

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Insurance and Financial Institutions, to which was referred House Bill No. 1090, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 27-8-9-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) This section does
4 not apply to cases covered by section 10 or 11 of this chapter.
5 (b) In any case arising from a permittee's use of a motor vehicle for
6 which the owner of the vehicle has motor vehicle insurance coverage,
7 the owner's motor vehicle insurance coverage is considered primary if
8 both of the following apply:
9 (1) The vehicle, at the time damage occurred, was operated with
10 the permission of the owner of the motor vehicle.
11 (2) The use was within the scope of the permission granted.
12 (c) The permittee may not recover under any other motor vehicle
13 insurance coverage available to the permittee until the limit of all
14 coverage provided by the owner's policy is first exhausted.
15 (d) **In a case arising from an owner's use of a motor vehicle for**
16 **which the owner of the vehicle has motor vehicle insurance**
17 **coverage, the owner's motor vehicle insurance policy is considered**
18 **primary for any claim made by a passenger in the motor vehicle.**
19 (e) **A passenger in a motor vehicle at the time a case described**
20 **in subsection (b) or (d) arises may not recover under any other**
21 **motor vehicle insurance coverage available to the passenger until**

- 1 **the limit of all coverage provided by the owner's policy is first**
 - 2 **exhausted."**
 - 3 Delete pages 2 through 3.
 - 4 Page 4, delete lines 1 through 13.
 - 5 Page 4, line 14, delete "(a) IC 27-7-14-3(c), (d),".
 - 6 Page 4, delete lines 15 through 16.
 - 7 Page 4, line 17, delete "(b) Notwithstanding the repeal of
 - 8 IC 27-8-9-7 by this act," and insert "**(a)**".
 - 9 Page 4, line 18, delete "before its repeal by this act," and insert "**as**
 - 10 **amended by this act,"**.
 - 11 Page 4, line 19, delete "before July 1," and insert "**after June 30,**"
 - 12 Page 4, delete lines 20 through 21.
 - 13 Page 4, line 22, delete "(d)" and insert "**(b)**".
 - 14 ReNUMBER all SECTIONS consecutively.
- (Reference is to HB 1090 as reprinted February 6, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Paul, Chairperson